

## Accountability in an Intergovernmental Context: Federal Education Policy as a Cautionary Tale

**David K. Cohen and Susan L. Moffitt. 2009. *The Ordeal of Equality: Did Federal Regulation Fix the Schools?***

Cambridge MA: Harvard University Press. 336 pp.

**Paul Manna. 2011. *Collision Course: Federal Education Policy Meets State and Local Realities.***

Washington, DC: CQ Press. 165 pp.

Nearly a decade ago, the federal government adopted the No Child Left Behind (NCLB) Act, which served as the largest expansion of federal education authority in our nation's history. Central to NCLB was an extensive set of federal accountability requirements regarding testing students and reporting results, as well as a series of increasingly punitive consequences for schools and districts who failed to improve student achievement, particularly among their most disadvantaged students. But despite this clear move toward top-down accountability, the federal government remained quite limited in its ability to shape day-to-day practices in local schools. Instead, that authority was reserved for state and local actors—the same actors who were viewed by proponents of NCLB as requiring more stringent and punitive accountability measures in order to achieve positive results for children.

The reasons for, and consequences of, this contradictory institutional arrangement are explored in two recent books on the politics of federal education policy. Both books tell a story of federal policymakers confronting the institutional limits of their power to hold schools accountable, as well as explain how the design of NCLB in fact further limited the federal government's ability to improve educational outcomes in an intergovernmental policy context. Together, these books provide a rich description of the politics surrounding federal efforts to promote educational accountability and offer a cautionary tale for federal accountability efforts in any intergovernmental context.

In *The Ordeal of Equality: Did Federal Regulation Fix the Schools?*, David Cohen and Susan Moffitt take the long view and explore the political history of Title I of the Elementary and Secondary School Act (ESEA), which served as the foundation for later federal education reforms including NCLB. Enactment of the ESEA in 1965 represented the first step in federal efforts to improve the quality of education children receive in local schools. Focusing on the most disadvantaged students, Title I was designed as a flexible formula grant program that provided additional funding for schools to enhance the educational resources devoted to at-risk children. Cohen and Moffitt explain how, in the decades that followed, Title I was reformed in ways that reflected concurrent forces in the macropolitical environment. In particular, the national push toward accountability for results became embedded in Title I—first by advancing the notion that schools, districts, and states should be held accountable for student achievement in the 1988 Hawkins-Stafford amendments, then during the 1995 reforms that codified the standards-based approach to accountability, and most recently in the 2001 NCLB Act that established a strict schedule for compliance and penalties for nonperformance.

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Yet, throughout this transformation of Title I—from a weak formula-grant program into a robust force pushing accountability in local schools—its initial institutional design remained intact. Most robust was its intergovernmental structure in which federal policymakers determined how much money each state and locality would receive but had very little control over how the money would be spent. As Cohen and Moffitt explain: “America’s deep ideological divisions over state and federal authority were written into Title I; the legislation itself contained large political and structural barriers to federal influence on how Title I would be used” (3). The Title I reforms that followed faced a similar political calculus, choosing to leave key decisions regarding school curriculum, standards, procedures, and governance to state and local governments spread across 50 states and more than 10,000 local school districts. This trend continued in the design of NCLB in which stiff penalties are imposed on those schools and districts that do not make adequate yearly progress; yet, the content of tests and curriculum standards, as well as the determination of proficiency levels, are left to states to shape and refine as they wish. Cohen and Moffitt identify this institutional arrangement as a key paradox in federal accountability efforts, since the fragmented governance structures that stood in the way of earlier efforts to design coherent policy are now serving as the chief agents for implementing new policies attempting to create coherence.

Despite the challenges of implementing accountability systems in an intergovernmental policy area such as education, the fragmented governance and limited federal authority makes broad-based accountability efforts particularly appealing to federal policymakers because they can deploy this strategy “without venturing into teaching, curricula, and other areas long thought to be the local schools’ preserve” (114). Cohen and Moffitt note however that, without offering the necessary infrastructure, the federal government leaves the task of solving the problem to “the offending, needy, or damaged people or organizations” (17) that helped create the problem in the first place. This strategy is particularly problematic when ambitious policy aims push practice beyond the status quo: service technology may be uncertain regarding how to accomplish what the federal policy proposes. This was certainly the case for NCLB, which required much more practical, professional, and scientific knowledge than did previous federal education policy, yet the states, localities, and teachers implementing the policies were the same ones who presumably struggled to meet students’ needs in the past. In this way, the broad appeal of accountability and its salience in the macropolitical context were embraced by education policymakers, without a parallel commitment to provide the infrastructure and instruments that were needed for successful implementation.

A similar story of unintended consequences of NCLB is told in Paul Manna’s recent book: *Collision Course: Federal Education Policy Meets State and Local Realities*. Adopting an approach that complements Cohen and Moffitt’s longer view, Manna focuses primarily on the more recent history, employing the metaphor of a collision between policy and practice in implementation of NCLB. Manna does not criticize federal policymakers for causing conflict at the state and local level. He acknowledges that “accountability systems are supposed to create desired results through their potential to disrupt, reorient, and refocus unimportant agency priorities and improper tasks while preserving effective practices” (p. 149). Instead, Manna asks whether the collisions brought by NCLB were necessary to create the urgency and transformative practice needed to improve results or whether these collisions were so damaging that they undermined previous state and local

efforts aimed at the shared goal of leaving no child behind. To answer this question, he explores the collisions—both productive and destructive—that occurred at different levels of implementation (state agencies, districts, schools, teachers, and students). Throughout these chapters, Manna identifies positive outcomes of NCLB, most notably the increased attention to the achievement of disadvantaged students and the strengthening of the data capacities of state and local education agencies. Yet, he also identifies unproductive, damaging collisions that created incentives to reduce the overall quality of education children receive (primarily by introducing perverse incentives to lower expectations for most children), and by shifting attention away from substantive concerns that hold potential to increase student achievement.

In a particularly insightful analysis, Manna identifies a key source of these destructive collisions in the conflicting policy theories underlying the design of NCLB itself. The first of these is the law's "theory of accountability that was grounded in the view that schools would improve if governments measured their performance, made the results transparent, and confronted poorly performing schools and districts with tough consequences" (155). However, this ambition conflicted with the law's theory of administration, which recognized the limited capacity held by federal policymakers to alter the practice of local schools. To overcome this limited ability, federal education policymakers gave state governments the lead administrative role in organizing and managing accountability systems. Thus, although NCLB's theory of accountability called on the federal government to get tough and require compliance unlike any required by decades of federal-state Title I policy, the theory of administration undercut this desire to hold states to a strict standard because states were able to set their own goals, define the substance of standards and tests, and use their own approach to identifying proficiency among their students.

Manna notes how contrary this policy design is to standard notions of results accountability in which the higher level of government would set clear goals and let those implementing the policy determine the best way to meet those goals. In contrast, NCLB established general accountability procedures at the federal level but allowed those implementing the policy to set goals, content, and definitions of success/failure. Manna describes the negative consequences of this inverted form of accountability: "the federal-state relationship then becomes focused on discussions about state adherence to procedures, which is something that management theorists and scholars of policy implementation have predicted can produce counterproductive rather than transformative collisions. When procedures take center stage, it becomes difficult for public administrators across levels of government to implement laws while focusing on larger substantive goals, such as having all students become knowledgeable in crucial subjects" (40–41). Setting tough national standards and allowing states and locations to figure out how to meet them would be a more coherent approach. However, as well described by Cohen and Moffitt, the nation's tradition of state and local control provides a large political barrier preventing this approach. Manna notes the irony that this more politically feasible design left federal policymakers in the role of compliance managers focused on micro-managing the process of reform, rather than focused on the results of reform—the very process-oriented role that critics believe undermined previous iterations of Title I and the ESEA.

Together, these two books provide a cautionary tale for advocates of federal accountability policy in an intergovernmental arena like education. Ironically, it is in just these conditions—in which federal policymakers hold few other tools for shaping the practices

and policies of state and local actors—that they are likely to turn to accountability systems in an attempt to improve outcomes. Yet, as both books describe, a fragmented governance system and limited federal authority can undermine the success of federal accountability efforts. Promoting accountability in this context requires pausing before jumping on the accountability bandwagon to assess the capacity of state and local actors, as well as identify the resources, incentives, and technical support that would enhance that capacity.

Both books describe how this attention was lacking in design of NCLB. Cohen and Moffitt describe the skewed discourse surrounding adoption of NCLB, in which optimism for the transformative power of accountability itself was emphasized with almost no discussion of the practicalities of implementation or the supports that would be needed to implement the law. And Manna describes a misplaced belief (broadly held among federal officials at the time) that state and local governments had administrative capacities sufficient to implement the law with minimal assistance from federal officials. Instead, both books describe the great difficulties experienced by states and localities trying to meet the requirements of NCLB. Both describe how federal assistance was lacking in financial terms and also in terms of clear and timely guidance on how to implement the law. Feedback to states, districts, and schools on their progress toward meeting accountability standards was characterized by long delays, and limited resources were available for developing the knowledge and people that could support an effective system.

Both books emphasize the need to recognize the fact that federal accountability efforts rely on the capabilities and judgments of state and local actors who must hold, or be given, the funding, incentives, and information necessary to improve outcomes on the ground. As Manna explains:

An honest recognition of federal limits and an attempt to strategically leverage state and local strengths would be preferable to a different approach, which has tended to dominate the legislative process since the first ESEA became law. Simply put, such an approach would be to ignore or downplay fundamental questions about federalism, educational governance, or administrative capabilities. Further, it would involve passing new versions of the ESEA with revised requirements, perhaps even generous funding, and continued federal demands that states and local communities guarantee equitable educational opportunities and greater academic excellence. In short, with such an approach federal leaders would continue to demand results and accountability but essentially ignore the crucial institutional and administrative realities that ultimately determine success. (164)

The case of NCLB also illustrates the consequences of devolving too much federal authority to lower levels of government. In particular, federal policymakers gave up the ability to define their own accountability system, leaving their role as primarily one of checking compliance. The absence of national goals and standards is explained in both books as the result of a broader political compromise that allowed NCLB to assemble a bipartisan coalition including those typically wary of federal involvement in local schools. Yet, this political compromise came at a devastating cost by undermining the legitimacy of NCLB, educational accountability, and federal accountability efforts in general. Although both books raise the question of whether this political trade-off was worth its administrative consequences, neither takes a stand on it. Instead, Manna calls on federal policymakers to identify shared goals and standards so that the federal government can capitalize on its strengths, not its weaknesses, by serving as a mobilizing force, acting as a clearinghouse

for information, best practices, tracking state efforts to promote transparency and learning, and providing targeted incentives and technical assistance to shift the level of practice.

Of course, insisting on this federal authority over accountability goals may undercut political support during the policy formation stage. This is especially likely in areas such as education where the intergovernmental context reflects limited support for federal involvement. Yet, it is in these areas that a poorly designed federal accountability system can most severely undermine future support for the federal government's role. Both books describe how accountability systems run the risk of serving only symbolic and political ends, while doing very little to promote better outcomes from government programs. As Manna notes, this type of accountability system can undermine successful efforts developed at the grass-roots level, leading to worse outcomes in some contexts. Further, Cohen and Moffitt explain that "the more policy puts practice at risk of failure, the more it can damage the interests and political legitimacy not only of practitioners but also of policymakers" (24). They describe how failure in practice spreads to cast a negative light on the policy itself, as well as the federal policymakers who enacted it. For these reasons, federal accountability efforts in an intergovernmental context should be undertaken only with great care and attention to the issues of federalism that shape both the politics of adoption and the later efforts to administer federal accountability policy within a fragmented policy context.

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